



Appeal Decision

Site visit made on 2 December 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/U5360/W/19/3237470

335C Victoria Park Road, Hackney, London E9 5DX

- 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 Rex Regan and Linalisa Fornberg against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/4629, dated 9 January 2019, was refused by notice dated 15 April 2019.
 - The development proposed is the erection of a roof extension to create an additional storey with a front roof terrace and the installation of roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a roof extension to create an additional storey with a front roof terrace and the installation of roof lights at 335C Victoria Park Road, Hackney, London E9 5DX in accordance with the terms of the application, Ref 2018/4629, dated 9 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 048-D-20A; Flat Plans as Existing 048-D-21B; Flat Sections as Existing 048-D-22A; Front Elevation as Existing 048-D-23B; Side Elevation as Existing 048-D-24A; Rear Elevation as Existing 048-D-25B; Flat Plans as Proposed 048-D-50D; Flat Sections as Proposed 048-D-51C; Front Elevation as Proposed 048-D-52C; Side Elevation as Proposed 048-D-53B; Rear Elevation as Proposed 048-D-54C; Side Elevation as proposed and section through Park 048-D-55C; and Site Block Plan 048-D-57A.
 - 3) The development hereby permitted shall be carried out in accordance with the materials detailed within section 10 of the application form.

Main Issue

2. The main issue in the appeal is whether or not the proposal would preserve or enhance the character or appearance of Victoria Park Conservation Area.

Reasons

3. The appeal property is a 3 storey (with basement) end terrace property that has been sub-divided into three flats. The appeal relates to the flat which occupies the uppermost floors of the building. It is located within Victoria Park

Conservation Area which contains many well-preserved examples of mid-to-late Victorian houses which are attractive and architecturally interesting. Within the *Victoria Park Conservation Area Appraisal (November 2012)* the appeal building is identified as a 'Building of Townscape Merit'. These are described as well detailed examples of buildings which retain their original detailing and so make a positive contribution to the character and appearance of the conservation area.

4. It is proposed to create a roof extension to provide additional living accommodation for the flat. It is agreed between the parties that the height of the extension is such that it would have minimal impact on views of the property and the terrace from Victoria Park. Nothing I have seen or read leads me to come to a different conclusion in this regard.
5. The rear elevation of this end of the terrace and the adjacent property (No 333) is visible from a short stretch of Brookfield Road. The varying different roof forms of the neighbouring houses is apparent in this view and as such there is little uniformity or rhythm to the rear elevations. The proposal would restore the butterfly roof to the appeal property. This would improve the appearance of the rear of the terrace and give it a greater coherence, to the benefit of the character and appearance of the property and the conservation area.
6. Moreover, due to the height and scale of the proposed extension only a small part of it would be able to be glimpsed from this view. As such, I am satisfied that the extension would not be a visually intrusive feature in the street scene and would not have a detrimental impact on the character and appearance of the terrace as seen in these views.
7. The extension would be more visible from some of the surrounding gardens, although I observed that the mature trees found in some of the neighbouring gardens would restrict these views. I accept that at present the terrace of which the appeal property forms a part does not have any roof extensions. Nevertheless, No 333 does have a dormer, and rear dormers are also in evidence on other properties in the area. Given this, in views that are possible from neighbouring gardens, the proposal would not appear an incongruous feature. Furthermore, given the lack of uniformity and coherence in the roof form of the terrace, I consider that the restoration of the butterfly roof would mitigate any harm that may be caused by the roof extension.
8. I note the conclusion of a previous inspector when considering an appeal¹ on this property for a similar development. However, the roof extension before me is smaller in scale and mass and the proposal now also includes the restoration of the butterfly roof. As such, it is materially different to the previous scheme. These changes mean I consider the proposal would no longer appear as a bulky and discordant feature.
9. Overall, I consider that the proposal would preserve the character and appearance of Victoria Park Conservation Area. Accordingly, there would be no conflict with Policies 7.4, 7.6 and 7.8 of *The London Plan (adopted March 2016)*, Policies 24 and 25 of the *Hackney Core Strategy (adopted November 2010)* and Policies DM1 and DM28 of the *Hackney Development Management*

¹ Appeal Reference APP/U5360/W/18/3193353

Local Plan (adopted July 2015) which seek to ensure that development has a high quality of design which respects the historic and built environment.

Conclusion and Conditions

10. For the reasons set out above I conclude the appeal should be allowed.
11. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the proposal. However, given the nature of the development, it would not be appropriate for the materials to match the existing building so I have amended the wording of this suggested condition accordingly.

Alison Partington

INSPECTOR