



Appeal Decisions

Site visit made on 16 December 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal A Ref: APP/U5360/W/19/3237560

Silver House, 10 Shacklewell Road, Hackney, London N16 7RL

- 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 Ahmed Aghil against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/0369, dated 20 February 2019, was refused by notice dated 21 August 2019.
 - The development proposed is the erection of roof extension at sixth floor level to provide an additional self-contained residential units (Use Class C3).
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Appeal B Ref: APP/U5360/W/19/3237566

Silver House, 10 Shacklewell Road, Hackney, London N16 7RL

- 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 Ahmed Aghil against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/0368, dated 15 January 2019, was refused by notice dated 20 August 2019.
 - The development proposed is the addition of new flat at first floor level to existing block of flats.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. In respect of Appeal A, the main issue is the effect of the development on the character and appearance of the area. In respect of Appeal B, the main issues are the effect of the development on the character and appearance of the area and the effect of the development on the living conditions of occupiers of the site.

Reasons

Character and appearance

4. Shacklewell Road is a predominantly residential area with a mix of flats and houses, with a variety of styles and heights of buildings. The wider area is built-up with a mixed character but with many taller buildings and variety to their form and appearance.

5. Silver House is a six storey residential building fronting Shacklewell Road. It is an attractive building which is well articulated with the arrangement of dark framed windows and front balconies providing variation to the front, brick elevation. The zinc clad sixth floor, set back behind a reasonably high parapet wall, provides an appealing contrast to the rest of the building. The parapet wall generally obscures the windows to this top floor such that when viewed from most parts of the adjoining road, the consistent zinc finish, unrelieved by fenestration, is a simple and effective component of the overall structure. Furthermore, this zinc finish of the sixth floor links to the zinc clad stairwell and lift at the rear, providing a visually important link between these parts of the building.
6. Barnard House, which is located to the rear, is visually separated from Silver House. The vertical form of the zinc clad section of that building mirrors that in Silver House and, overall, architecturally there is a coherence to the relationship of the buildings and they collectively make a positive contribution to the area.

Appeal A

7. With Appeal A, a further floor would be added. There is space around Silver House within the street, the depth of the addition is reasonably slim and the views to the upper parts of the building are primarily oblique within the street scene. Nevertheless, the extra height would make this zinc clad roof element a much more dominant feature, and the reasonably large windows and end section of balcony railings would undermine the simplicity of the present detailing and form of this section of the building. In this way, the extra floor would not appear as a positive addition that complemented the form and appearance of the building within the street scene. Indeed, the extension would appear as an incongruous addition undermining the original coherence of the design.
8. As a consequence, the proposal would not meet the National Planning Policy Framework (the Framework) requirement that development should add to the overall quality of the area and be visually attractive as a result of good architecture.
9. I have noted all the other examples of buildings that have been drawn to my attention, many of which are tall and have two storey elements to the upper section of the buildings, often with a contrasting style to the main building. However, all these buildings have their individual design, appearance, setting and circumstances. Consequently, I attribute these other examples limited weight and I have considered this proposal on its merits.
10. For these reasons, I conclude that the development proposed under Appeal A would detract from the character and appearance of the building, and in turn the area, and thereby would conflict with Policies 7.4 and 7.6 of the London Plan (2016), Policy 24 of the Hackney Local Development Framework Core Strategy (2010) (the Core Strategy) and Policy DM1 of the Hackney Development Management Local Plan (2015) (the Local Plan) which seek, amongst other things, to require all developments to be of high quality design.
11. The guidance within the Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) has been brought to my attention. However, as this largely concerns extensions and alterations to existing

dwelling, I do not consider that this document is directly relevant to this proposal for 2 additional dwellings (and for the same reason would not be directly relevant to the proposal under Appeal B).

Appeal B

12. This proposal would add a flat partly within the void area above the enclosed entranceway and partly back into the courtyard area and over a section of the refuse and recycling store, at first floor level. Much of the proposal would not be visible from public vantage points. However, there are angled views from parts of Shacklewell Road to the side of Silver House and Barnard House. In these views, the separation of the two buildings is apparent and the two zinc clad elements of each building in this area provide an important vertical emphasis to the overall design, and contrast in a positive way with the brick of the main parts of the structure.
13. The proposed addition would span this gap, with the flat roof a reasonable way up the overall height of Barnard House, in particular. This addition would undermine the gap, which is an architecturally positive feature of the form and design of this part of the buildings, and would diminish the vertical emphasis provided by the two zinc elements of each building. While this proposed addition would be apparent in limited public views and would be modest in relation to the overall scale of the buildings as a whole, the proposal would, nevertheless, detract from the character and appearance of the buildings and the positive contribution they make to the area.
14. Accordingly, the proposal would not meet the Framework requirement in respect of development adding to the overall quality of the area.
15. In the light of this analysis, I conclude that the proposal under Appeal B would harm the character and appearance of the area and thereby would conflict with Policies 7.4 and 7.6 of the London Plan (2016), Policy 24 of the Core Strategy and Policy DM1 of the Local Plan which seek, amongst other things, to require all developments to be of high quality design.

Living conditions (Appeal B)

16. At the present time, the double height entranceway through the building is a reasonably agreeable part of the approach to the rear area and opens out onto a modest sized courtyard, which is already somewhat overshadowed by the adjoining buildings.
17. The additional flat proposed under Appeal B would significantly reduce the height of the entranceway and provide a covered area by the doorway to both blocks of flats. This is the main pedestrian access into the site for most residents and a reasonably long and fairly enclosed entranceway would be formed. Even if the space was well-lit, it would provide an uninviting access to the site and, with the fairly low ceiling, diminish to an unacceptable extent the environment which most of the residents would experience on a daily basis.
18. This is a concern raised by some residents of the site in their original representations, the reason for refusal highlights the increased sense of enclosure, and I agree that harm would be caused by the scheme in this respect. Consequently, I am not satisfied that this would provide the high standard of amenity for existing and future users that the Framework envisages when creating places.

19. The additional flat proposed would extend back into the courtyard area at first floor level. While it would be clearly apparent to the occupiers of nearby flats within this rear area, in particular those in the adjoining section of Silver House, I consider that the relationship would not so adversely affect light or be so overbearing to the occupants of any of the flats that this should form a reason for refusal. Nevertheless, this would not diminish the harm I have found for residents using the entranceway.
20. Accordingly, I conclude that the proposal under Appeal B would harm the living conditions of occupiers of the site and thereby this would conflict with Policies 7.4 and 7.6 of the London Plan, Policy 24 of the Core Strategy and Policy DM2 of the Local Plan which seeks, amongst other things, to provide high quality indoor and outdoor spaces.

Planning Balance and Conclusion

21. Both proposals would individually provide additional accommodation in a location with good access to services, facilities and public transport. The additional housing would be on an existing developed site and provide a small but worthwhile windfall boost to housing. There would be economic and social benefits during construction and in subsequent occupation. The overall site would, even with both schemes, still be within typical and acceptable density levels for this type of location.
22. The Framework seeks that land is used effectively and that decisions should support opportunities to use the airspace above existing residential premises for new homes. However, this is in the policy context of the development safeguarding and improving the environment, and is well-designed.
23. Taking all the benefits into account, as either only 2 units in the case of Appeal A or 1 unit in the case of Appeal B would be provided, cumulatively I attribute the benefits limited weight in each case.
24. I have noted the appellant's comments that there is insufficient land to meet the current five year target of 7,995 dwellings with 96% of housing being delivered on brownfield land. I am not clear, from the information before me, whether the Council can demonstrate a 5 year supply of deliverable housing sites. Even if the Council was not able to show such a supply, and the presumption in favour of sustainable development as set out in paragraph 11d of the Framework was engaged, because I attribute the harm I have found with each appeal substantial weight, the adverse impacts of granting permission in either case would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. It follows that for the above reasons, and having regard to all other matters raised, the proposals under Appeal A and Appeal B would, in each case, not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and the associated development plan conflict when considering each appeal. I therefore conclude that both appeals should be dismissed.

David Wyborn

INSPECTOR