
Appeal Decision

Site visit made on 5 December 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/U5360/D/19/3237427

11 Batley Road, Hackney, London N16 7NP

- 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 Bean against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/1710, dated 9 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is erection of extension to roof of rear projection.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development given on the Council's decision notice and appellant's appeal form, which more accurately describes the proposal than that used on the application form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a traditional mid-terrace property close to Stoke Newington High Street. The area has a mix of uses but immediately surrounding the appeal property is predominately residential. Number 11 Batley Road (No 11) is situated within a block of similar houses which are typical of the area. The two-storey, brick built properties have a parapet to the main elevation, behind which is a butterfly roof. The houses in the terrace generally have rear outriggers with pitched roofs which sit at a lower height than the main butterfly roofs. The butterfly roofs are visible from the street and are a distinctive feature which contribute positively to the character of the area.
5. The proposed extension would add an additional storey to the rear outrigger. Although it would be no higher than the main ridge of the house, the extension would project above the butterfly roof, obscuring the view of it from the rear, and interrupting the rhythm of the roofscape. The flat roofed extension would introduce an alien form which would appear awkward and overly dominant in relation to the existing building. It would fail to respect the character and appearance of the host property and the surrounding houses.

6. I acknowledge that No 11 is in the middle of the terrace so, although the rear of the house is visible from neighbouring houses, it is not readily visible from the street. However, by introducing a higher element to the rear outrigger than is currently the case, the proposed extension would become more visible from the surrounding side streets, Batley Place and Leswin Road, causing harm to the character of the area.
7. The Council's Supplementary Planning Document – Residential Extensions and Alterations 2009 (SPD) includes guidance on roof extensions. The document identifies butterfly roofs as one of several traditional roof-forms which are typical of houses in Hackney. Paragraph 3.68 of the SPD says that the form of any roof alteration should be designed to reflect the original type of roof, and paragraph 3.67 notes that not all houses are capable of extension at roof level due to the effect on the quality of the local street scene. The proposal would fail to comply with this guidance.
8. The proposed black stained timber would have a modern appearance which, given the mixture of building styles and materials in the area, would not be out of place. However, this choice of materials is not sufficient to outweigh the harm to the character of the host building and the immediate surrounding area which would result from the form and elevated position of the extension.
9. The appellant has suggested that a similar extension could be constructed under permitted development rights and has highlighted the example at 3 Batley Road. However, planning permission is required for the proposed extension and so it is necessary to assess the application in accordance with relevant development plan policies. The existence of another similar extension nearby does not justify allowing this proposal which does not comply with relevant policies.
10. I acknowledge that the site is not in a conservation area, and note the appellant's comments that the proposed timber construction would be durable, easy to maintain and would enable relatively fast construction, minimising disruption to neighbours. However, these factors are not sufficient to outweigh the harm I have identified.
11. I conclude that the proposal would cause harm to the character and appearance of the area. It conflicts with Policies 7.4 and 7.6 of the London Plan 2016 which require a high quality design response and architecture that makes a positive contribution to the public realm and streetscape. There is further conflict with Policy DM1 of the Hackney Development Management Plan 2015, which requires high quality design in new development which complements local distinctiveness and vernacular, and respects the visual integrity and established scale, massing and rhythm of the buildings. Similarly, there is conflict with Policy 24 of the Hackney Core Strategy 2010 which requires development to enrich and enhance Hackney's built environment, and the detailed guidance in the SPD.

Conclusion

12. For the reasons given I conclude that the appeal should be dismissed.

R Morgan

INSPECTOR