
Appeal Decision

Site visit made on 5 December 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/U5360/D/19/3237473
110 Culford Road, Hackney, London N1 4HN

- 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 Professor Geoff Lindsay against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/0818, dated 1 March 2019, was refused by notice dated 27 June 2019.
 - The development proposed is the creation of hard landscaping, replacement of brick wall with wrought iron railings/gate to the front garden and dropping of kerb to allow car access and parking.
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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 describes the proposal more comprehensively than that used on the application form.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the De Beauvoir Conservation Area; and
 - whether the proposal would be compatible with sustainable transport objectives.

Reasons

Character and appearance

4. The appeal property is located within the De Beauvoir Conservation Area (CA) which is characterised by wide, spacious, tree lined streets and high quality nineteenth century houses. Culford Road is a quiet, attractive residential street which is typical of the CA, with grand two-storey houses grouped into short terraces of four. The yellow stock brick houses have retained many of their original decorative features including the treatment of doors and windows.
5. The houses on Culford Road are set back from the street behind short front gardens, with steps up to the front doors. Front boundary treatments are a mixture of low walls, hedges and railings. Together with the landscaped front

gardens, the walls and hedges are an important feature of the street and provide an attractive setting for the houses. The survival of many well-kept front gardens is an important feature which contributes positively to the character and appearance of the CA.

6. In a number of instances along Culford Road, front gardens have been given over to parking with the removal of walls and hedges and a reduction in soft landscaping. This loss of the front gardens, and the replacement of soft landscaping with hard surfaces, detracts from the character of the area.
7. The front garden of 110 Culford Road (No 110) is bounded by a low brick wall and small iron gate which leads to the front door. The garden area has a number of low shrubs and other vegetation and is surfaced with slate chippings.
8. The proposed development would allow the front garden area to be used for parking by removing the existing front wall and replacing it with iron gates. The proposed gates would match the existing railings on the frontage and shared boundary of the adjacent property, 112 Culford Road. The existing small gate would be retained.
9. I acknowledge the appellant's comment that the brick wall is not original, but it is a common form of boundary treatment in the area which does not detract from the character of the area. Its replacement with iron gates would result in a large expanse of railings across the frontages of Nos 110 and 112. Whilst the proposed gates would match those of the adjoining property, it would not respect the situation that is which is more typical of the area, in which short sections of railings are broken up with low brick walls and pillars.
10. I note the appellant's comment that, by matching the situation at the neighbouring property, the proposal would respect the symmetry of the houses within the terrace. However, the situation at No 112 is not typical of the wider CA, and by replicating it and creating a wider section of railings/gates along the frontage of the two houses, the proposal would result in harm to the character of the CA.
11. The use of the garden area for parking at No 110 would contribute to the loss of front gardens and soft landscaping in the area, causing further harm to the character of the CA. The appellant has confirmed that the existing hedge and bushes in the front garden would be retained, but the use of the garden area for parking would inevitably result in the loss of space for planting and a reduction in vegetation. This would be the case regardless of the type of hard surfacing used.
12. I note the planning officer's comments that the crossover would disrupt and cause harm to the streetscene and the CA. Whilst it is unclear how the crossover in itself would cause harm, I agree that the proposal as a whole would cause harm to the De Beauvoir CA. With regard to paragraph 196 of the National Planning Policy Framework (the Framework), this harm would be less than substantial. Even so this still amounts to a harmful impact which would adversely affect the significance of the designated heritage asset.
13. The Framework requires that harm to the CA should be weighed against the public benefits of the proposal, but I have identified no such benefits which would outweigh the harm identified.

14. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the De Beauvoir CA. It would be contrary to Policies 7.4, 7.6 and 7.8 of The London Plan 2016; Policies 24 and 25 of the Hackney Core Strategy 2010 and Policies DM1 and DM28 of the Hackney Development Management Local Plan 2015, which are concerned with high quality design and the conservation and enhancement of the historic environment. Furthermore, the proposal would conflict with the Framework.

Sustainable transport objectives

15. Parking on Culford Road is predominantly on-street. Dedicated bays are provided along the street, which are restricted through a residents parking permit scheme. The proposed crossover would result in the loss of an on-street parking space outside No 110, and its replacement with a private parking space within the curtilage of the property.
16. Given that parking outside of the property is already available and is restricted to residents, it is likely that the occupants of No 110 already make use of the opportunities to park on the street. However, on-street spaces are a shared facility which may be in high demand and not always available. I note the Council's requirements in Policy DM47 of the Development Management Local Plan and its supporting text, which explains in paragraph 8.4.17 that the Council may seek to resist the loss of on-street parking spaces in areas of high on-street parking stress and on pedestrian and highway safety concerns.
17. In this case, the Council has not provided further information as to the level of parking demand in the area and has not indicated that a Transport Assessment/Statement would be required to justify the proposal. Given this lack of further detail, it is unclear how the appeal proposal, which would result in the loss of a single on-street parking space, would significantly undermine sustainable transport objectives.
18. I acknowledge that there is some conflict with Policy DM47 iii) regarding the effect of parking proposals on the appearance of the street, an issue which I have already covered. However, a benefit of the scheme is that it would enable the provision of an elective charge point at the property, which is supported by criterion iv) of Policy DM47 and other policies.
19. Given the lack of evidence to the contrary, I conclude that the proposal would be compatible with sustainable transport objectives. I have found no conflict with Policy 6.13 of the London Plan, regarding parking, or Core Strategy Policy 33 which promotes sustainable transport.

Conclusion

20. I have concluded that the scheme would not conflict with sustainable transport objectives. However, this does not outweigh the harm to the character and appearance of the De Beauvoir Conservation Area which I have identified. The appeal should therefore be dismissed.

R Morgan

INSPECTOR