



Appeal Decision

Site visit made on 20 January 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2020

Appeal Ref: APP/U5360/W/19/3238294

107 Mayola Road, London, E5 0RG

- 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 Ms Robson against the decision of the Council of the London Borough of Hackney.
- The application, Ref 2019/0549, dated 13 February 2019, was refused by notice 16 April 2019.
- The development proposed as described on the application form is:
Conversion of an existing residential house into two self-contained units; a single storey side / rear infill extension at lower ground level; excavation of existing front lightwell and front elevational changes; elevation changes to rear; mansard roof extension; 1 x no. rooflight on roof of outrigger.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issue

3. A previous planning application¹ was granted planning approval for works as described in the description above excluding the mansard roof. The Council have raised no concerns regarding the parts of development which fall under that application. On the basis of the information before me there are no reasons to take a different view.
4. Consequently, the main issue in the appeal before me is the effect of the mansard roof on the character and appearance of the appeal property and surrounding area.

Reasons for the Recommendation

5. The appeal property is a two-storey terrace with basement located on the north side of Mayola Road. It forms part of an attractive terrace frontage with the majority of properties in this part of the row, other than its neighbour, No. 105, having a distinct front parapet roof with a staggered butterfly roof behind. At the rear there is an original two storey rear addition which is paired with its neighbour at No. 109. This projects out into a modest sized garden. This addition covers the majority of the rear elevation with the remainder being covered by a similar two storey addition, also original, but which is less than half the depth of the other. Mayola Road contains a number of terraced blocks

¹ Local Authority Ref No. 2018/3434. Description: Conversion of an existing residential house into two self-contained units; a single storey side/rear infill extension at lower ground level; excavation of existing front lightwell, elevation changes to rear; 1no. rooflight on roof of outrigger. Granted approval 29 November 2018.

which are broken by side streets. The majority of properties along Mayola Road are similar in design with the properties located on corner plots having larger and/or of different styles of properties. This is the case with the neighbouring property No. 105 which is a much larger property and which has a dual pitched with hipped gable roof.

6. The proposal would result in a mansard roof above and behind the existing parapet wall. It would extend across the full width of the dwelling above the first floor.
7. Both parties agree that the appeal site does not sit within a Conservation Area, is not a designated listed building, nor is it a non-designated building. Nevertheless, the appeal property along with most of the other properties in this section of terrace, have original facades which include an attractive parapet and rear butterfly roof. These features are visually distinctive and contribute to an established residential character and appearance within the area which is attractive. The streetscape has a natural curvature and sloping topography which gently plateaus towards the junction at Powerscroft Road. This emphasises the distinctive parapet frontage which is staggered as a result of the streets sloping topography.
8. Whilst the proposal at the front would not break the distinctive corniced parapet it would rise above it thus breaking the silhouette of the continuous parapet line. It would conflict with the simple, consistent rhythm of the front façades and intrude in views of the terrace. A most striking view of which can be seen whilst approaching the appeal property from Powerscroft road. This view provides an opportunity to view the distinguishing street curvature and stepped corniced parapet profiling. Views of the front roof profile can also be seen from approaching the appeal property from the other end of Mayola Road. To the rear, the development would disrupt the coherent array of butterfly roofs and appear as an odd flat-roofed addition atop the traditional butterfly roof, out of scale and out of character with the neighbouring properties of similar style and form which sit along this section of terrace. Whilst I appreciate that views of the rear would be limited to views taken from Saratoga Road, any change to the original roof profile along this section of terrace would be detrimental to the character and appearance of the terrace. For these reasons, the proposal would compromise the architectural integrity of the host building and neighbouring buildings contrary to the guidance contained within the Supplementary Planning Document *Residential Extensions and Alterations* (2009) (SPD).
9. Whilst it is appreciated that the property style and particularly the roof profile of the neighbouring property at No. 105 is significantly different at both the front and rear, this does not demote the significance or lessen the requirements to retain the original features of the appeal property, moreover it highlights the need to retain as much of the original character and appearance of this property given its unique setting within the streetscape.
10. Other examples of similar mansard roofs in the locality have been referred to. These examples relate to properties located elsewhere within the streetscape and surrounding area. I am not familiar with the characteristics of their settings or locations. However, I have found that the original character and appearance of this part of the terrace and the parapet feature which begins with No. 107 and continues down towards the junction of Powerscroft Road to be prevailing and worthy of retention for the reasons specified. I consider the appeal building by reason of its more prominent location near to the junction of Mayola Road and Saratoga Road and its siting adjacent to its neighbour No. 109 and the neighbouring properties beyond, which have retained the original parapet and butterfly roof features, worthy of retention.

11. Attention has been drawn to an appeal² which sought a similar development and which was allowed. In this decision, the Inspector commented that *whilst glimpsing views may be possible from a distance on Mayola Road, the extension would not be prominent or intrusive, the parapet and chimney stacks remaining the dominant features*. Whilst this may be true of that appeal site, the appeal site subject to this appeal is sited near to the junction of Mayola Road and Saratoga Road. The proposed mansard roof would therefore be far more visually prominent from along Mayola Road as well as Saratoga Road than the appeal site mentioned. Whilst there is a need for consistency in the planning process, I am not bound to reach the same conclusions provided there are sound planning reasons for departing from their approach. Given the differences in site locations and relationships with neighbouring properties the site contexts and locations are significantly different and the proposals are not considered comparable. Additionally, the current proposal has been determined on its individual merits and found to be harmful to the character and appearance of the appeal property and that of the surrounding area for the reasons given.
13. Reference has been made to the emerging local plan 2033 Policies 1 and 2, however, these Policies are at an early stage and it is unclear whether there are any objections to the emerging policies and therefore limited weight is given to these policies. Reference has also been given to proposals affecting non -designated heritage assets under a Modification to draft Policy. However, as noted, the appeal property is neither a designated nor a non-designated building as defined within the National Planning Policy Framework (The Framework) and Governments Planning Practice Guidance – *Historic environment*, and therefore Policies and guidance relating to non-designated heritage assets are not applicable in the assessment of this proposal.
14. In conclusion, the proposed mansard roof would harm the character and appearance of No. 107 and the surrounding area. Accordingly, the proposal would be contrary to Policy 24 of the Core Strategy, Hackney's strategic planning policies for 2010-2025 (2010), Policies 7.4 and 7.6 of the London Plan (2011) and the SPD for the reasons discussed above.

Conclusion

15. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR

² APP/U5360/D/14/2219871

Costs Decision

Site visit made on 20 January 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:

Costs application in relation to Appeal Ref: APP/U5360/W/19/3238294

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Ms Robson for a full award of costs against the decision of the Council of the London Borough of Hackney.
- The appeal was against the refusal of planning permission for the Conversion of an existing residential house into two self-contained units; a single storey side / rear infill extension at lower ground level; excavation of existing front lightwell and front elevational changes; elevation changes to rear; mansard roof extension; 1 x no. rooflight on roof of outrigger.

Decision

1. The application for an award of costs is refused.

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The application needs to clearly demonstrate that this is the case, as parties in planning appeals normally meet their own expenses.
3. In this case, the appellant's argument is that they have submitted two planning applications and subsequently an appeal which has resulted in the appellant being subjected to a lengthy and expensive outcome. The appellant claims that the first planning application³ was amended to remove the mansard roof after receiving notification from the Council that this element would be viewed as unacceptable. This application was subsequently amended and approved.
4. Following the determination of the previously approved application, the appellant sought advice from the Council as to whether the design elements of the previously approved application should be included in the new application which sought permission for the development of the loft. The Council advised the appellant to include the conversion as part of the new application. A new application was submitted for a mansard roof and also for the works previously granted approval. The Council determined the application within the statutory time period and against the relevant planning policies. They notified the appellant within the determination period that the proposed mansard roof would again be

³ Local Authority Ref No. 2018/3434

unacceptable as it would be harmful to the character and appearance of the appeal property and the surrounding area.

5. The appellant states the Council were unwilling to discuss further options that may have addressed these concerns. Whilst this may have been frustrating for the appellant, it is not unreasonable for the Council to decline further discussion if there is no likelihood of negotiating an acceptable alternative proposal. The Council note that no preplanning enquiry was submitted for the mansard roof prior to the submission of the initial application.
6. Whilst the applicant was disappointed by the outcome, there is nothing to indicate that the Council did not co-operate with the appellant in a timely manner and there is no evidence which suggests the Council had given contradictory advice in regard to the proposed mansard roof. I, therefore, conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs, partial or full, is unjustified in this case.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too concur that this application for costs should be refused.

Chris Preston

INSPECTOR