
Appeal Decision

Site visit made on 13 August 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/U5360/W/19/3226082

Flat A, 170 Dalston Lane, Hackney, London E8 1NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Jenkins against the decision of the London Borough of Hackney.
 - The application Ref 2018/4249, dated 20 November 2018, was refused by notice dated 26 February 2019.
 - The development proposed is the erection of single storey upward extension at the fourth-floor level to provide one self-contained residential unit (one x 1 bed).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development proposal on:
 - The character and appearance of the host property and the terrace of which it forms a part; and
 - The character and appearance of the Conservation Area.

Reasons

Character and Appearance

3. The appeal site is a 3-storey traditional Hackney-style villa within a relatively short terrace of 7 properties (Nos 168-180 Dalston Lane) bounded by Stanford Mews to the west and Greenwood Road to the east. Most of the ground floor units in the block appear either to be, or to have been relatively recently, in retail or commercial use. The other properties within the terrace are also 3-storeys apart from the neighbouring one at no. 168 which is just 2-storeys.
4. To the immediate north and north-west of the appeal site, on the northern side of Dalston Lane, is a series of relatively recently constructed 4-storey blocks of residential flats arranged in a crescent-like manner with communal gardens to the front. During my visit to the area I formed the view that Dalston Lane is a heavily trafficked thoroughfare.
5. The appeal proposal is for the addition of a one-bedroom top floor flat through the erection of a mansard roof. I was not able to gain access to Stanford Mews to view the south facing aspect of the appeal property and assess the possible effect of the proposal when seen by occupants of properties located to the rear.

Similarly, it was not possible to view the same aspect of the appeal property from Greenwood Road to the east. Nevertheless, I was able to gain clear views of the eastern, western and northern aspects of the appeal site from Dalston Lane.

6. The Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 (SPD) states that continuous roof top parapets are an important feature of the townscape. The appellant contends that there are subtle differences between the fenestration of the appeal property and that of its neighbours within the terrace. He also notes that the neighbouring property (No 172) has a raised roof and that further changes have been made to the parapet line in the neighbouring terrace west of Stanford Mews.
7. When I visited the site the front elevation of No 172 was partially obscured by scaffolding. However, long views of the terrace from the west and east along Dalston Lane led me to conclude that the raised roof at No 172 was not visible. Whilst I acknowledge that the roof line is broken by the adjacent 2-storey property at No 168 I consider that Nos 170-178 present a broadly uniform parapet and roofline.
8. I agree that the proposed extension would be subservient to the building. I also accept that the proposal would comply with the National Technical Housing Standards and the Housing Standards Minor Alterations to the London Plan 2016 and the GLAs Housing Supplementary Planning Guidance 2016. I would also agree that there are several mansard roofs in the neighbourhood such that it is not an unusual form of development.
9. Nevertheless, this does not dissuade me from the view that the introduction of the proposed mansard roof above the broadly uniform terrace would substantially disturb the existing parapet and roof line. It would thus harm the character and appearance of the host property and the terrace of which it forms a part. Consequently, the proposal is contrary to policies 7.4 and 7.6 of the London Plan 2016 (LP) which, respectively, seek to protect local character and encourage high quality architecture.
10. It also fails to accord with Core Strategy Policy 24 of the Hackney Local Development Framework: Core Strategy 2010-2025 2010 (CS) and with Policy DM1 of the Development Management Local Plan 2015 (DMLP) which seek to promote high quality design.
11. Further, it is inconsistent with the advice laid down in the SPD that roof extensions should not normally be allowed where an unbroken roof line remains. As this SPD accords with the development I attach considerable weight to it. Finally, it would be contrary to the advice laid down in paragraph 130 of the National Planning Policy Framework (the Framework) that development should be of a high-quality design.

Conservation Area

12. The appeal site lies within the Graham Road and Mapledene Conservation Area, the northern boundary of which is formed by properties along the southern side of Dalston Lane. The appraisal document for the Graham Road and Mapledene Conservation Area highlights the importance of the Hackney-style residential villas.

13. With regard to the properties within the block Nos 168-180 Dalston Lane, the document notes that the shop frontages are of no particular architectural merit but play an important part of the streetscape. As the appellant notes, no specific reference is made to the parapet or the roof top.
14. Nevertheless, I do not accept that this omission means that the rooftop does not contribute to the conservation area. The document states that the '...overriding feature of the area is its uniformity of proportion, scale and style of built fabric...'. This would include the uniformity of the rooftop and parapet which I have previously referred to. Therefore, I consider that the appeal property, and the terrace which it is a part, contribute positively to the Graham Road and Mapledene Conservation Area.
15. The proposed development would harm this uniformity by detracting from the contribution to the roofscape. Consequently, I conclude that the appeal proposal would cause substantial harm to the Graham Road and Mapledene Conservation Area as a whole. It therefore fails to accord with Policy 7.8 of the LP, Core Strategy Policy 25 of the CS and with Policy DM28 of the DMLP which seek to protect heritage assets. Finally, it would also be contrary to the advice set out in paragraphs 194 and 195 of the Framework that new development should not cause harm to conservation areas as a whole and should instead preserve or enhance them.

Conclusion

16. For the reasons set out above and having had regard to all of the relevant policies and documents put before me, I dismiss this appeal.

William Walton

INSPECTOR