The Planning Inspectorate

# Appeal Decision

Site visit made on 25 February 2020

**by Helen B Hockenhull BA (Hons) B.Pl MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13th March 2020**

**Appeal Ref: APP/U5360/D/20/3245328**
**24 Sutton Place, London E9 6EH**

- 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 Mark Roe against the decision of the Council of the London Borough of Hackney.
- The application Ref 2019/3321, dated 4 September 2019, was refused by notice dated 23 December 2019.
- The development proposed is the removal of obscure glazing film to first floor window and removal of glazed screen above existing balustrading at second floor level and replacement of such with angled obscure glazed screens projecting away from existing window and balustrading.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issue in this case is whether the proposal preserves or enhances the character or appearance of the host property, the wider terrace and the Clapton Square Conservation Area.

## Reasons

3. The appeal property comprises a four-storey mid terrace house constructed in 2010 located to the northern side of Sutton Place. The Georgian terrace to the south forms a Listed Building and the site is located within the Clapton Square Conservation Area.

4. The conservation area is dominated by St John at Hackney Church and Churchyard Gardens. It includes Georgian residential terraces as well as mid Victorian villas and later 19th century terraces. There are many architecturally distinguished buildings contributing to the significance of the heritage asset.

5. I observed on my site visit that the existing terrace of seven 4-bedroom dwellings is of a generally uniform appearance to the rear, with no other projecting features or additions. The appellant refers to the considerable element of variety in the treatment of the rear elevations in this modern group. Whilst I accept that there are differences between individual dwellings, the design of the terrace group as a whole, has an integrated and complementary appearance.

6. The proposed screens due to their design, the lack of relationship to the existing rear elevation and their forward projection, would result in an intrusive addition adversely affecting the character and appearance of the host dwelling and the adjoining terrace. They would be uncharacteristic of the area as a whole and fail to preserve or enhance the conservation area. I acknowledge that the proposal would have no adverse impact on the significance of the listed buildings in the vicinity of the appeal site.

7. The appellant has argued that the appeal proposal would not be visible from the public realm and would therefore conserve the character and appearance of the conservation area. I accept that views of the appeal property are limited; the rear elevation cannot be seen from the public footpath to the west of the site. However, the occupants of those dwellings immediately behind the appeal property on Sutton Square would have a clear view of the proposal. Bearing in mind the scale of the development, I consider it would cause less than substantial harm to the significance of this designated heritage asset.

8. In line with paragraph 196 of the National Planning Policy Framework (the Framework), this harm must be weighed against the public benefits of the proposal. Whilst the scheme would benefit the appellant and his family, there would be little public benefit from the proposal. Maintaining the privacy of the occupiers of existing residential properties to the rear forms a neutral factor, no additional benefit would be achieved.

9. Accordingly, I conclude that the benefits of the scheme would not outweigh the harm I have identified. The proposal would be contrary to section 16 of the Framework, 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. These policy documents aim to achieve high quality design and conserve and enhance the historic environment.

10. The Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 provides little specific guidance for a scheme such as proposed in this appeal. It does however provide general design principles. The document seeks to achieve high quality design which respects the architectural character of the original building and its setting. In light of my findings above, the appeal scheme would also be in conflict with this guidance.

11. I acknowledge that the existing obscured glazing provides a poor outlook for the occupiers of the appeal property. However, this consideration does not outweigh the harm I have found to the character and appearance of the conservation area.

12. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR