



Appeal Decision

Site visit made on 1 September 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/U5360/D/20/3251172

18 Northchurch Terrace, Hackney, London N1 4EG

- 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 Mrs Karen Anderberg against the decision of the Council of the London Borough of Hackney.
- The application Ref 2019/4158, dated 27 November 2019, was refused by notice dated 4 February 2020.
- The proposed development is erection of a cat pole system which consists of horizontally mounted poles being fixed to the top of an existing boundary wall via wooden stanchions.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Karl Schultz and Karen Anderberg against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Appeal Procedure

3. 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.

Procedural Matters

4. During my site visit, I observed that some works had already been carried out onsite, with fences similar to those shown in the submitted drawing erected upon parts of the garden walls. Although these works were broadly similar to what is shown on the submitted drawings, there were some notable differences. For example, the horizontal cat poles were not yet mounted. Regardless, this appeal can still be determined insofar as it relates to the submitted drawings.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the De Beauvoir Conservation Area (DBCA).

Reasons for the Recommendation

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the
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desirability of preserving or enhancing the character or appearance of that area.”

7. The appeal site accommodates a semi-detached dwelling on the northern side of Northchurch Terrace. The appeal site is situated within the DBCA. The De Beauvoir Conservation Area Appraisal 2008 (the DBCAA) states that the DBCA is notable for the high-quality of its short terraces and houses, its historic road layout and its tree-lined streets, which, amongst other things, contribute to its special interest as a designated heritage asset. The DBCAA states that the appeal property forms part of a group of locally listed villas, Nos 14-28, which are primarily characterised by their part-stuccoed, part-exposed brick appearance.
8. The appeal site is affected by an Article 4 Direction which restricts permitted development rights relating to dwellinghouses. As such the provision of the cat pole system, which would not exceed 2 metres in height as shown on the plans, requires planning permission.
9. However, other than the site location map, only one drawing showing representative elevations was submitted as part of the application. There are no existing or proposed plans, no detailed elevations showing how the proposal would appear along the west, north and east boundary walls, each of which have different and varying heights, nor any sectional drawings illustrating the thickness of the proposed horizontally mounted cat poles and how far they would project from the trellis panels. While the example images give some indication as to how the proposal would appear, these do not wholly compensate for the lack of detailed and accurate drawings.
10. As such, although I saw that some neighbouring properties had trellises constructed upon the boundary walls of their gardens which were of similar height and materiality to the proposal, I am not satisfied that I can reliably assess whether the unique design of the proposal would have an acceptable effect on the character, appearance or significance of the DBCA solely on the basis of the limited information before me. I acknowledge the development has limited visibility in the wider DBCA, but it would be visible from neighbouring properties.
11. Similarly, although I acknowledge that the locally listed buildings’ contribution to the DBCA is primarily derived from their detailed design, form and visual cohesiveness when appreciated within the streetscene, rather than the arrangement of their rear gardens which are discreetly sited away from public views, I nonetheless cannot accurately assess the impact of the proposal on this non-designated heritage asset.
12. In the absence of sufficient drawings, and having taken all other matters into consideration, I therefore conclude that it has not been satisfactorily demonstrated that the proposal would preserve the character and appearance of the DBCA and so preserve its special interest as a designated heritage asset. The proposal would therefore fail to accord with Policies 7.4 and 7.6 of the London Plan 2016 (the London Plan), Core Strategy Policy 24 of the Core Strategy 2010 (the Core Strategy) and Policy DM1 of the Development Management Local Plan 2015 (the DMLP) which state, amongst other things, that development should be of high quality design and architectural quality and enrich and enhance Hackney’s built environment. It would also fail to accord with Policy DM28 of the DMLP, Policy 7.8 of the London Plan and Core Strategy

Policy 25 of the Core Strategy which state, amongst other things, that any development within or affecting a designated heritage asset such as a Conservation Area must conserve and take opportunities to enhance its character and significance. No public benefits have been identified which would outweigh the proposal's failure to accord with the development plan.

13. The proposal would also fail to reflect the National Planning Policy Framework 2019, which states that great weight should be given to preserving the significance of heritage assets, and that the effect of a proposal on non-designated heritage assets should be taken into account.

Other Matters

14. Contrary to the views of the Council, I did not find during my site visit that the rear garden of the appeal site was particularly narrow in width or shallow in depth. I therefore consider that the proposal would be unlikely to cause any undue sense of enclosure to the appellant or appear obtrusive to the residents of neighbouring properties. As the proposal would not cause harm to the living conditions of neighbouring occupants, I find that there would be no conflict with Policy DM2 of the DMLP which seeks to protect this.

Conclusion and Recommendation

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

C Brennan

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 the appeal is dismissed.

Andrew Owen

INSPECTOR