
Appeal Decision

Site visit made on 22 September 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/U5360/W/20/3252757

31 Balls Pond Road, Hackney, London N1 4BW

- 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 James York against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/0286, dated 24 January 2020, was refused by notice dated 20 April 2020.
 - The development proposed is described as 'Alterations to roof and staircase to provide an access as per drawings'.
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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 Matters

3. Since the planning application was determined and the appeal submitted, the Council has adopted the Hackney a Place for Everyone, Hackney Local Plan 2033, Strategic Planning (July 2020) (the LP33). This has replaced the Core Strategy, Hackney's strategic planning policies for 2010-2025 (November 2010) and the Local Plan, Development Management Local Plan (July 2015). It is my duty to determine the appeal against the most up to date development plan policies. Both main parties have been given an opportunity to comment on the change to the development plan and I have had regard to any views expressed. I am therefore satisfied that no party has been prejudiced by the consideration of the appeal proposal against the policies of the LP33.
4. The description of development above is taken from the planning application form. However, a more precise description is that provided in the Council's decision notice and the appeal form as 'Creation of roof top terrace with external works including the insertion of a glazed roof hatch, erection of metal balustrading and creation of new parapet along the rear elevation. Internal works including the extension of the existing staircase to provide access up to the proposed roof terrace'. I have considered the appeal on this basis.

Main Issue

5. The effect on the significance of the host building, which is a locally listed building (LLB) and, linked to that, whether or not the proposed development would preserve or enhance the character or appearance of the De Beauvoir Conservation Area.

Reasons

6. This appeal concerns a three storey with basement, end of terrace building which the Council has identified as a locally listed building. The site is located within the De Beauvoir Conservation Area (the CA). The significance of the CA appears to be derived from the layout of the streets and the characteristic early to mid-Victorian properties with decorative features. Balls Pond Road is noted within the De Beauvoir Conservation Area Appraisal (May 2008) (the CAA) as a road of high architectural quality as there are many fine historical buildings, including the locally listed group at Nos 31-37. This aligns with my observations at the time of my site visit. The appeal building, and wider group, has a distinctive Victorian butterfly gabled roof design which contributes to its significance as a LLB. The building makes a positive contribution to the CA.
7. The appeal proposal seeks to construct a terrace to the rear section of the roof and install a rear parapet wall and balustrades. The terrace would sit within the eaves of the main roof, behind the enlarged parapet wall and the butterfly gable end would be retained. However, the terrace would be of a considerable size and would involve the total loss of the rear section of the characteristic butterfly roof. This proposal would therefore notably alter the appearance of the building and the introduction of a flat roof would jar with the strong roof form which would be retained at the front section of the building.
8. Whilst the proposed balustrades would be set back from the parapet they would nevertheless remain highly prominent from public vantage due to their elevated position. They would therefore be an overly dominant and incongruous addition to the LLB. The installation of the roof hatch would introduce a further horizontal element which fails to correspond with the pitch of the original roof form. There is no compelling evidence before me to demonstrate that this, or other individual elements of the proposal would be permitted development and, in any event, I have considered the proposal as a whole.
9. Paragraph 197 of the National Planning Policy Framework (the Framework) requires a balanced judgement to be reached having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. The proposed development would have a direct effect on the architectural significance of the LLB, through the partial loss of the butterfly roof, the introduction of a roof terrace, rear parapet and balustrades. These alterations would fail to preserve the special interest of the LLB, particularly its characteristic roof form, thus resulting in a moderate degree of harm to its significance. This harm which carries considerable weight.
10. The distinctive detailing of the roof is readily apparent from wider public viewpoints, including to the rear along Bentley Road. Whilst I note the appellant's point that Bentley Road is not a main road, the roof form is a key characteristic of the LLB and the butterfly roof design is also reflected along the roof of the adjacent group of buildings. Therefore, taken both individually and

collectively, the roof form gives a strong sense of uniformity to this part of the street scene and its high architectural value contributes positively to the CA. The loss of the rear roof section of the host building would be highly noticeable and would appear at odds with the unaltered rooflines of the adjacent group of properties.

11. Furthermore, the introduction of railings to the roof level, irrespective of their traditional design and material, would be an unsympathetic and discordant feature in the street scene due to their elevated position. Whilst there may be examples of balustrades/railings of a similar design in the wider CA, these are typically at lower level and thus are less intrusive than the appeal proposal.
12. I have been provided with details of approved roof terraces. However, it is not clear whether the buildings are LLB's and within a conservation area or whether they have the same original roof form as the appeal building. As such, I cannot be certain that they are directly comparable to the proposal before me. It is also acknowledged there are examples of roof terraces within the locality. In terms of those on the building adjacent to the appeal site, this is a modern development and the terraces appear to be in keeping with the character of the host building. With regards to the examples in the submitted photographs, it is not clear whether they have been granted planning permission and, moreover, the railings at roof level are not characteristic features of the building or surrounding area. As such, it seems to me that they are not necessarily good examples to follow and do not therefore justify the appeal proposal.
13. Taking all the above into consideration, the proposal would neither preserve nor enhance the character or appearance of the CA. In terms of the approach set out in the Framework the proposal would cause less than substantial harm to the CA's significance as a designated heritage asset. The Framework is clear that irrespective of the level of harm, great weight should be given to the asset's conservation and, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. It is suggested that the proposal would improve the living conditions for occupiers and put the property to effective use. There is no compelling evidence before me to suggest that the existing building is not in effective use, nor am I convinced that existing occupiers have a poor standard of accommodation. Moreover, the use of the terrace would deliver a private benefit. As such I do not consider that any public benefits have been advanced.
15. Therefore, on this basis, it is not considered that there are demonstrable public benefits that would outweigh the identified harm to the significance of the CA and this proposal would also have a detrimental impact on the character and appearance of the LLB. The proposal would therefore conflict with Policies 7.4 and 7.8 of the London Plan (March 2016), Policies LP1 and LP3 of the LP33 and the Framework which, whilst varying slightly in their wording, collectively seek to ensure developments respond to local character and context and preserve or enhance the significance, character and appearance of the historic environment.

Conclusion and Recommendation

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR