



Appeal Decision

Site visit made on 17 November 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/U5360/D/20/3248572

7 Wilmer Place, Hackney, London, N16 0LY

- 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 Stephen Newsome against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/3614, dated 7 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is creation of a small roof terrace to the rear of the property. The terrace is proposed to sit between existing party walls and set back from the roof gutter line, therefore, not directly visible from the gardens. All materials to be matching the existing roofscape of the house and terrace.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is located in the Stoke Newington Conservation Area. With specific regard to the Conservation Area, the Council considered the overall impact of the proposal to be acceptable.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to privacy.

Reasons

Character and appearance

4. The appeal property is a modern three storey mid-terrace dwelling. It is located within a gated area comprising tall terraces of dwellings facing one another across an access road. The presence of trees and planting softens the appearance of the gated area and there are views through to trees and parkland beyond the end of Wilmer Place.
 5. The appeal property, like others within the gated area, has space for car parking to the front and a garden to the rear.
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6. The surrounding area is mixed use. There is a large park to the north of Wilmer Place and commercial areas to the south and east, whilst to the west lie further terraces of housing.
7. During my site visit, I observed that Wilmer Place projects a pleasant sense of uniformity. This derives from the largely uniform design and materials of dwellings and in the case of the terrace in which the appeal property is located, the unbroken slopes of the roofline, which provide for a simple, regular and matching roofscape.
8. Whilst many dwellings along the terrace within which the appeal property is located have seen alterations and extensions, largely to the rear, there have been no significant changes to the terrace's roof form.
9. The proposed development would involve the removal of part of the rear roof slope to create a flat area, forming an outdoor terrace. The terrace would be accessed by a new door and would be enclosed by a new glazed balustrade.
10. The proposal would result in a significant alteration to the otherwise unbroken roofscape of the terrace. I find that this would upset the rhythm of development in this location, to the detriment of the area's uniform qualities. Further, the introduction of a door and balustrade at roof level, where no other such features exist, would result in the proposal drawing attention to itself as an incongruous development.
11. In support of the proposal, the appellant draws attention to other developments elsewhere. However, whilst there are other roof terraces within the wider area, the appeal property sits within a terrace with an unbroken roof-form and this is a characteristic which contributes to the uniform qualities of the area.
12. Taking this into account, I find that the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to London Plan (2016) Policies 7.4 and 7.6; to Local Plan¹ Policy DM1; and to Hackney Core Strategy (2010) policy 24, which together amongst other things, seek to protect local character.

Living Conditions

13. As proposed, the rear terrace would be located at roof level and a low, glazed balustrade would provide for largely unrestricted views from a dominant position. This presents significant scope for overlooking and the potential for harm to the privacy of neighbouring occupiers.
14. However, during my site visit, I observed that windows to the rear elevation of properties along the terrace within which the appeal property is located, already look out across rear garden areas, such that rear gardens are generally open to various views. Whilst the proposal would extend the scope for overlooking to some extent, I do not find that this would be unduly harmful, given that neighbours can already look out across one another's rear gardens.
15. Taking this into account, I find that the proposed development would not harm the living conditions of neighbouring occupiers, with regards to privacy and

¹ Hackney Development Management Local Plan (2015).

would not be contrary to Local Plan policy DM2, which seeks to protect local character.

16. However, the absence of harm in this regard is not a factor which, in itself, mitigates the harm to local character identified earlier in this Report.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR